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July 25, 2022

VIA ECF

Hon. Paul G. Gardephe
U.S. District Court for the Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square, Room 2204
New York, NY 10007

**Re: Equipav S.A. Pavimentação, Engenharia e Comercio Ltda. v. Bertin
No. 22-cv-04594-PGG**

Dear Judge Gardephe:

Petitioner Equipav S.A. Pavimentação, Engenharia e Comercio Ltda. (“Equipav”) respectfully submits this letter motion request for an extension of the deadline to file a motion to confirm this Court’s Order of Attachment in the above-captioned matter.

The Court issued its Order of Attachment on July 14, 2022. ECF No. 19. The Court instructed that “within ten days of serving this Order of Attachment on the Garnishees,” Petitioner should file its motion to confirm the order of attachment. Petitioner effected service on the first identified garnishee, JPMorgan Chase Bank, on July 15, 2022. Petitioner has also served other garnishees—also financial institutions—with the Order of Attachment. Service was made on July 19, 2022, on Wells Fargo & Co., PNC Financial Services, TD Bank, and Key Bank; Bank of America, M&T Bank, Citizens Bank were served on July 20; and Truist Financial Corporation was served on July 21, 2022. Ten days from completing service on the Garnishees is July 31, 2022; ten days from service on the first Garnishee is today. As the searches for assets are still underway and Petitioner is working with the Garnishees to enable them to prepare their N.Y. C.P.L.R. § 6219 statements, Petitioner requests a modest extension of time to move to confirm the Order of Attachment as permitted by N.Y. C.P.L.R. § 6211.

The search to identify assets belonging to Respondent has been complicated. Petitioner received an initial statement in response from JPMorgan Chase Bank (“JPMC”) on July 21, 2022, which indicated that based on its search, it had been unable to locate accounts or assets belonging to Respondent. JPMC has advised Petitioner that its system “may not necessarily capture all relevant information concerning the judgment debtor(s) or accounts.” Petitioner has been communicating with JPMC to attempt to identify the account used by Mr. Bertin and received further correspondence from JPMC today. This fact suggests that Respondent disguised his use of the account through a nominee whose identity—whether corporate or natural—is not

yet known to Petitioner or to the bank he is using. Petitioner is continuing to provide information to aid in JPMC's search.

Petitioner is addressing inquiries from other Garnishees and working with them, too, to ensure that an appropriate search is conducted to identify and attach any accounts or assets that can be positively linked to Respondent. Petitioner is still awaiting the statements required under N.Y. C.P.L.R. § 6219 from these additional garnishee financial institutions. Like JPMC, these institutions require additional information from Petitioner's counsel and are presently conducting new searches to confirm that Mr. Bertin is not linked to one of their accounts.

Considering these ongoing efforts, pursuant to N.Y. C.P.L.R. § 6211(b), Petitioner requests a ten-day extension in order to allow more time for all of the garnishees to search for assets or accounts belonging to or used by Respondent within this district and for Petitioner's receipt of the required statements to enable Petitioner to file the motion to confirm the Order of Attachment.

No previous requests for extension have been made. Petitioner effected service of its Petition and the Order of Attachment in accordance with Your Honor's Order of July 14, 2022 (ECF No. 20), but has not received a response from Respondent. Accordingly, Petitioner has not been able to request consent from Respondent for an extension of this deadline. However, since the garnishees have not identified any of Respondent's assets and thus none have been seized to date, Respondent will not be prejudiced by this extension.

Respectfully submitted,

/s/ Tara J. Plochocki

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MEMO ENDORSED

The Application is granted.

SO ORDERED:



Paul G. Gardephe, U.S.D.J.

Dated: July 26, 2022